

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS AGUIRRE-BURCIAGA,

Defendant.

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8:00CR293

ORDER

This matter is before the court on the defendant's oral motion to amend his Motion to Vacate, Set Aside, or Correct Sentence by a Federal Prisoner Under 28 U.S.C. § 2255 (§ 2255) (Filing No. 84), made before the court on May 10, 2006. The court granted this motion.

IT IS ORDERED:

1. The defendant shall have until July 7, 2006, to amend his § 2255 motion.
2. The plaintiff shall have until August 7, 2006, to respond to defendant's motion.
3. A hearing will be held on the amended § 2255 motion and resentencing of the defendant on **September 8, 2006, at 8:30 a.m.** If the defendant wishes to present any evidence at this hearing, he must give the government a minimum of two weeks' advance notice of what evidence he intends to present.
4. The U.S. Marshal is directed to return the defendant to the district for this hearing. If the defendant at a later date decides to waive his right to be present at the hearing, he may do so (at least 6 weeks prior to the hearing) by contacting his attorney who shall then inform the court and the U.S. Marshal of defendant's decision. In that event, the defendant may participate telephonically in the hearing by informing his attorney, who in turn shall supply this court with a telephone number at which the defendant may be reached for the hearing.
5. That upon resentencing, an Amended Judgment will be entered by the court.

6. The Clerk of Court shall provide a copy of this Order to the U.S. Marshal, the counsel of record, and the defendant at the address of record for his current place of incarceration.

DATED this 12th day of May, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge